

Message Text

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ACTION EUR-12

INFO OCT-01 ARA-10 IO-13 ISO-00 SP-02 ICA-11 AID-05
EB-08 NSC-05 TRSE-00 SS-15 STR-07 OMB-01 CEA-01
L-03 H-01 PA-01 CIAE-00 COME-00 EA-10 FRB-03
INR-10 NEA-11 NSAE-00 OPIC-03 LAB-04 SIL-01
AGRE-00 /138 W

-----012084 211540Z /53

R 211459Z JUN 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 9587
INFO AMEMBASSY BERLIN
AMEMBASSY BRUSSELS
AMEMBASSY BUDAPEST
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SOFIA
AMEMBASSY LUXEMBOURG
AMEMBASSY THE HAGUE
AMEMBASSY WARSAW
AMEMBASSY BUCHAREST
USMISSION GENEVA
USMISSION USBERLIN
USMISSION USNATO
USINT HAVANA

C O N F I D E N T I A L SECTION 01 OF 02 BONN 11441

BRUSSELS ALSO FOR USEEC

E.O. 11652: GDS
TAGS: PGOV, BQG, EEC, COMECON
SUBJECT: NEGOTIATIONS ON EC-CEMA FRAMEWORK AGREEMENT:
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CONSIDERATION OF TERRITORIAL CLAUSE

REFS: (A) BRUSSELS 11251 AND PREVIOUS;
(B) BONN 7798 (NOTAL);
(C) BONN 10591 (NOTAL) AND PREVIOUS

BEGIN SUMMARY: THE BONN GROUP SOON WILL BE CONSIDERING

NEGOTIATING TACTICS ON THE AREA OF APPLICABILITY CLAUSE IN THE EC-CEMA FRAMEWORK AGREEMENT. THE CLAUSE, WHICH IS DESIGNED TO PROVIDE FOR THE INCLUSION OF BERLIN, WAS NOT DISCUSSED DURING EC COMMISSIONER HAFERKAMP'S TALKS IN MOSCOW AT THE END OF MAY, BUT WILL BE CONSIDERED IN THE EC-CEMA WORKING-LEVEL NEGOTIATING GROUP WHICH WILL MEET SOON. THE FRG INTENDS TO PROVIDE THE BONN GROUP IN THE IMMEDIATE FUTURE WITH A DRAFT PLAN ON TACTICS TO BE USED IN NEGOTIATING THE CLAUSE. IT PROBABLY WILL BE ALONG THE LINES OF THE ALLIED TACTICS USED FOR THE EC TEXTILES NEGOTIATIONS WITH CEMA COUNTRIES. END SUMMARY.

1. AS PREVIOUSLY REPORTED, IN APRIL THE FRG INFORMED THE ALLIES IN THE BONN GROUP (A WORKING GROUP IN BONN ON BERLIN QUESTIONS THAT IS COMPOSED OF FRG, FRENCH, UK AND US REPRESENTATIVES) THAT EC NEGOTIATOR HAFERKAMP WOULD TRAVEL TO MOSCOW AT THE END OF MAY TO RESUME EC-CEMA TALKS ON A FRAMEWORK AGREEMENT (REF. B). THE FRG ASKED THE ALLIES TO CONSIDER WHEN WOULD BE THE MOST PROPITIOUS TIME DURING THOSE TALKS TO RAISE WITH THE CEMA REPS THE SUBJECT OF THE AREA OF APPLICABILITY CLAUSE. (AS FORMULATED IN THE EC DRAFT, BERLIN IS ONE OF THE TERRITORIES ON THE EC SIDE TO WHICH THE AGREEMENT WOULD APPLY.) THE FRG ALSO ASKED THE ALLIES TO CONSIDER WHAT TACTICS THE EC SHOULD USE IN DISCUSSING THE CLAUSE

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WITH CEMA.

2. AT THE MAY 2 BONN GROUP MEETING, THE FRG REP SAID THAT HIS GOVERNMENT HAD CONCLUDED THAT IT WOULD BE BEST NOT TO HAVE HAFERKAMP DISCUSS THE APPLICABILITY CLAUSE AT ALL WITH CEMA. RATHER, IT COULD BE DISCUSSED IN THE EXPERTS GROUP WHICH WOULD BE ESTABLISHED AS A RESULT OF HAFERKAMP'S TALKS.

3. THE FRENCH REP (GAUSSOT) HAD REPORTED THE FRG QUESTIONS AND REQUESTED INSTRUCTIONS, WHICH ARRIVED AFTER HAFERKAMP'S TALKS IN MOSCOW HAD BEEN CONCLUDED (REF. A). HE NEVERTHELESS PRESENTED THEM TO THE BONN GROUP ON JUNE 13, BECAUSE HE CONSIDERED THEM USEFUL AS

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 11441

A REFLECTION OF PARIS' ATTITUDE ON THE WHOLE QUESTION OF
THE INCLUSION OF BERLIN IN THE FRAMEWORK AGREEMENT.

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4. ACCORDING TO GAUSSOT, PARIS HAD NO OBJECTIONS TO
THE AGREEMENT APPLYING TO BERLIN, BUT NOTED THAT
NEGOTIATIONS WERE JUST BEGINNING AND THAT IMPORTANT
DIFFERENCES REMAINED ON WHAT THE SUBSTANCE OF THE
FRAMEWORK AGREEMENT SHOULD BE. PARIS THUS DID NOT

BELIEVE IT TO BE DESIRABLE TO DISCUSS THE AREA OF APPLICABILITY CLAUSE AT THE BEGINNING STAGE EXCEPT IN VERY GENERAL TERMS.

5. AT THE SAME BONN GROUP MEETING, THE UK REP (EYERS) SAID THAT HE ALSO HAD RECEIVED INSTRUCTIONS ON THE SUBJECT WHICH REFLECTED LONDON'S POSITION ON THE GENERAL ISSUE. LONDON HELD THE VIEW THAT THE EC NEGOTIATORS SHOULD HAVE BEEN ADVISED THAT:

(A) THEY SHOULD REFRAIN FROM TAKING THE INITIATIVE IN DISCUSSING THE APPLICABILITY CLAUSE;

(B) IF ASKED ABOUT IT BY THE EASTERN SIDE, THEY SHOULD AVOID ANY MENTION OF BERLIN. THEY SHOULD CONFINE THEMSELVES TO EXPLAINING IN GENERAL TERMS THE EC'S STANDING REQUIREMENT FOR A CLAUSE DEFINING THE AREA OF APPLICABILITY OF EACH AGREEMENT WHICH IT CONCLUDES, AND THEY SHOULD SUGGEST THAT DETAILED QUESTIONS RELATING TO THIS CLAUSE COULD BEST BE DISCUSSED LATER IN THE EXPERT WORKING GROUP;

(C) IF (AND ONLY IF) ASKED OUTRIGHT WHETHER THE CLAUSE WAS INTENDED TO COVER BERLIN, THEY SHOULD USE THE FORMULA WORKED OUT FOR THE TEXTILE NEGOTIATIONS, I.E., THAT THE APPLICABILITY CLAUSE COVERS THE TERRITORIES OF THE MEMBER STATES OF THE COMMUNITY AND IN ADDITION VARIOUS TERRITORIES STANDING IN VARYING RELATIONSHIPS
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TO THE MEMBER STATES; AND THAT THESE LATTER TERRITORIES INCLUDE (FOR EXAMPLE) GIBRALTAR, ISLE OF MAN, BERLIN (WEST) AND OTHERS.

6. IN RESPONSE TO EYER'S AND GAUSSOT'S REMARKS, FRG REP VON BRAUNMUEHL NOTED THAT THE EXPERTS GROUP WOULD BE MEETING SOON AND THAT THE BONN GROUP WOULD HAVE TO CONSIDER THE TACTICS REGARDING THE CLAUSE.

7. GAUSSOT RESPONDED THAT HE BELIEVED THAT PARIS' INSTRUCTIONS FOR THE HAFERKAMP TALKS, I.E., DISCUSSION OF THE CLAUSE ONLY IN GENERAL TERMS, ALSO APPLIED TO THE FIRST PHASE OF THE WORK OF THE EXPERTS GROUP.

8. VON BRAUNMUEHL DISAGREED SOMEWHAT, SAYING THAT THE FRG WOULD HAVE TO PROVIDE THE EC WITH MORE DETAILED GUIDANCE AT AN EARLY DATE. IN GENERAL, HE LIKED LONDON'S POSITION AS REFLECTED IN ITS INSTRUCTIONS CONCERNING THE HAFERKAMP TALKS AND HE FELT THAT THE VIEWS OF LONDON AND PARIS WERE COMPATIBLE. HE SAID HE WOULD

SOON PROVIDE FOR BONN GROUP CONSIDERATION A DRAFT
PROPOSAL ON THE TACTICS TO BE USED IN NEGOTIATING THE
CLAUSE. IT WOULD PROBABLY BE ALONG THE LINES OF THE
TACTICS AGREED ON FOR USE IN EC NEGOTIATIONS WITH CEMA
COUNTRIES ON TEXTILE AGREEMENTS (REF. C).
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